

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: CERTIFICATION PROCESS :
OF GAS SERVICE EMPLOYEES : DOCKET NO. 3438

RESPONSE OF THE DEPARTMENT OF LABOR AND TRAINING TO COMMISSION'S
FIRST SET OF LEGAL ISSUES TO BE DISCUSSED/BRIEFED

Now comes the Department of Labor and Training (DLT), which has not intervened in this matter but in the form of an Amicus makes this Response to Commission's First Set of Legal Issues to be Discussed/Briefed. Response is made utilizing the paragraph numbers employed by the Commission in its document.

1. C.A. No. P.C. 02-2329 was dismissed by the parties without prejudice during the pendency of the temporary restraining order. DLT believes that it has the authority to require employees of the Southern Union Gas Company to maintain proper licenses when performing work covered by RIGL § 28-27-28. In issuing the Restraining Order, the Court agreed, however acknowledging that said ruling has no precedential effect in the present proceedings.
2. RIGL § 28-27-28 provides that said employees, who provide the cited services, must be licensed by DLT, at the minimum with a PJF/Natural Gas LTD license, which was established under the DLT Rules and Regulations. RIGL § 28-27-29 only exempts persons classified as maintenance personnel regularly in the employ of a public utility company work but not performing services outside of the company property.
3. DLT does not believe the laws conflict. This department believes that a licensed pipefitter by virtue of his license is properly trained and certified to perform the

services cited in RIGL § 39-2-23 and believes that this Commission should utilize such license holding as the criteria for performing the services cited.

4. –5. Since PC2002-2329 was dismissed without prejudice, it has no effect on the statutes cited.

Respectfully submitted,
Department of Labor and Training
By its Attorney,

Valentino D. Lombardi #0834
Office of Legal Counsel
1511 Pontiac Avenue
Cranston, RI 02920
(401) 462-8890
(401) 462-8884 (fax)

CERTIFICATION

I hereby certify that on this day of July, 2002, I forwarded a true copy of the within to the following:

Craig Eaton, Esq.
Richard R. Beretta, Esq.
Adler Pollock & Sheehan
2300 Financial Plaza
Providence, RI 02903-2443

Sharon Partridge, Vice President
Southern Union NE Division
100 Weybosset Street
Providence, RI 02903

Paul Roberti, Esq.
Dept. of Attorney General
150 South Main Street
Providence, RI 02903

Leo Wold, Esq.
Dept. of Attorney General
150 South Main Street
Providence, RI 02903

Charles W. Wright, Chief Investigator
Dept. of Labor & Training Div. of Prof. Reg.
1511 Pontiac Ave., Bldg. 70
PO Box 20247
Cranston, RI 02920-0943

Luly E. Massaro, Commission Clerk
Public Utilities Commission
89 Jefferson Blvd.
Warwick, RI 02889

Dennis J. Roberts II
Law Offices of Dennis J. Roberts II
850 Turks Head Place
Providence, RI 02903
(401) 274-9600
(401) 274-6500 (fax)
